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EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2685

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18

Please find below and/or attached an Office communication concerning this application or proceeding.

16



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 18

Application Number: 09/243,701

Filing Date: February 2, 1999

Appellant(s): Bradford H. Needham et al.

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Timothy N. Trop

For Appellant

Art Unit: 2685

**EXAMINER'S ANSWER**

**This is in response to the appeal brief filed June 5, 2002.**

***(1)Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

***(2)Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

***(3)Status of Claims***

The statement of the status of the claims contained in the brief is correct.

***(4)Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on March 29, 2002 has not been entered.

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***(5) Summary of Invention***

The summary of invention contained in the brief is correct.

***(6) Issues***

The appellant's statement of the issues in the brief is correct.

***(7) Grouping of Claims***

Appellant's brief includes a statement that claims 15-21 and claims 22-25, 27-29 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

***(8) Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

***(9) Prior Art of Record***

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

6,012,012	FLECK et al.	1-2000
6,073,075	KONDOU et al.	6-2000
6,108,534	BOURGEOIS et al.	8-2000

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***(10)Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fleck et al (Fleck), U.S. Patent No. 6,012,012.

Regarding claim 15, Fleck discloses a server (service center) that receives audio messages (i.e. acoustic/speech, col. 6, lines 25-28, lines 58-62 ) from vehicles and transmits those messages to other vehicles (col. 2, lines 40-49), and a storage medium adapted to store said messages for access based on the position of the vehicle that transmitted the message (col. 5, line 55-col. 6, line 3, col. 7, lines 8-26).

Regarding claim 16, Fleck discloses the system of Claim 15 wherein said messages include appended vehicle position information (col. 5, line 66-col. 6, line 3).

Regarding claim 17, Fleck discloses the system of Claim 16 wherein said messages include appended vehicle direction information (col. 5, line 66-col. 6, line 3).

Regarding claim 18, Fleck discloses the system of Claim 15 wherein inherently including a radio frequency transmission device as evidenced by the fact that the transmission device is in a cellular environment (col. 5, line 66-col. 6, line 10; figure 4).

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Regarding claim 19, Fleck discloses the system of Claim 18 including a cellular telephone link (col. 5, line 66-col. 6, line 10; figure 4).

3. Claims 22-25 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondou et al (Kondou), U.S. Patent No. 6,073,075.

Regarding claim 22, Kondou discloses a processor based system mountable in a vehicle, the system comprising a processor , a position locating device coupled to said processor (col. 6, lines 51-61; figure 8), a transmitter adapted to transmit requests for information with appended position information (col. 5, lines 6-21), and wherein said processor sorts received information based on appended position information and identifies that information when the vehicle to proximate to a location associated with the information (col. 5, lines 52-56 and col. 6, line 62-col. 7, line 17).

Regarding claim 23, Kondou discloses the system of Claim 22 wherein said transmitter is a radio frequency transceiver (col. 7, lines 3-17).

Regarding claim 24, Kondou discloses the system of Claim 22 wherein said transmitter is adapted to append compass information (e.g. GPS information) (col. 7, lines 7-17).

Regarding claim 25, Kondou discloses the system of claim 22 wherein said system is adapted to receive information previously transmitted and stored and then relayed to the vehicle, based on the vehicle's position (col. 5, lines 52-56, col. 6, lines 47-61 and col. 7, lines 3-17).

Regarding claim 27, Kondou discloses the system of Claim 22 wherein inherently, the transmitter is adapted to append information that identifies the transmitter as evidenced by the fact the system knows which terminal to download information to(col. 5, lines 30-35).

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Regarding claim 28, Kondou discloses the system of Claim 22 adapted to transmit audio files (col. 6, lines 17-21).

Regarding claim 29, Kondou discloses the system of Claim 22 adapted to receive audio files (col. 6, lines 17-21).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al (Fleck), U.S. Patent No. 6,012,012 and Bourgeois et al (Bourgeois), U.S. Patent No. 6,108,534.

Regarding claim 20, Fleck discloses the system of Claim 15 as described above. Fleck, however, fails to disclose the system adapted to time stamp messages.

Bourgeois discloses a system adapted to time stamp data and voice messages (col. 7, lines 24-29 and col. 7, lines 63-65).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to time stamp messages for the purpose of knowing when a message was received in the system.

Regarding claim 21, the combination of Fleck and Bourgeois art discloses the system of Claim 20 adapted to discard messages based on their time stamp (Bourgeois, col. 8, lines 6-12).

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***(11)Response to Argument***

With respect to claim 15, appellant argues that Fleck does not disclose or suggest a system wherein event information is stored and then served out to vehicles over time whenever they come to that location, rather, Fleck discloses a real-time system in which information is sent immediately out to all vehicles in the vicinity.

The examiner, however, respectfully disagrees. Clearly, Fleck teaches these limitations. Fleck describes a mobile terminal that transmits information pertaining to various traffic conditions related to its position to other vehicles in its vicinity via a server (col. 2, lines 40-55 and col. 5, lines 29-47). Fleck also discloses wherein timing and positioning information of the vehicles traveling through certain road segments are transmitted to the server in order to determine when and where certain traffic conditions have occurred (col. 5, lines 5-10 and col. 5, line 60-col. 6, line 3). Further the storage system (item 20; figure 1) described in Fleck is designed to store current and historical traffic information (col. 2, lines 16-28) received from vehicles in order to provide instructions to other vehicles that may be in the vicinity of certain traffic conditions such as accidents, congestion, etc. (col. 3, lines 7-17 and col. 7, lines 30-39).

With respect to claim 22, appellant argues that Kondou fails to disclose wherein a processor-based system sorts information based on appended position information and presents that information when the vehicle is proximate to the location, rather, Kondou discloses a user who refers to situation information on a route to a destination during traveling.

The examiner, however, disagrees. Kondou discloses a system utilizing a car telephone in which is further connected to a mobile phone and GPS system (col. 6, lines 46-61; figure 8). Kondou also discloses that when a user wishes to know the current situation of a road, an information server (processor) 21 which has received the position of a mobile terminal (via user input, col. 5, lines 6-34, or through GPS, col. 6, lines



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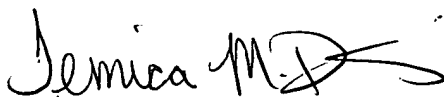
47-61) sends the desired information to the user through the mobile terminal (col. 5, lines 21-35). The desired information is also presented to the mobile terminal by way of the information server when a user changes their destination (col. 6, line 61-col. 7, line 16).

Although this information which pertains to a certain area in which the mobile is in or approaching is downloaded from the information server while the user is moving in a vehicle, this information can also be pre-stored in the mobile device, and then retrieved once the position of the mobile (which is moving to a new area) is detected (col. 9, lines 22-35 and col. 10, lines 16-62). It is further noted that the retrieved information from the information server (i.e. processor) (located remotely or in the mobile terminal) is sorted by the processor based on user commands (col. 5, line 58-col. 6, line 22).

Therefore, based on the functions of historical database described in Fleck above, and the functions of the processor described in Kondou, it is requested that the rejections be sustained.

Respectfully submitted,

Conferees:



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